

LEGISLATIVE REPORT

as of 3/10/2020

Appropriations:

Governor Parson sent his proposed budget to the Missouri General Assembly 1/15/2020 and hearings are being held in appropriations committees of both Chambers. The Governor's recommended appropriation for the PSTIF Board's operations and claims expenses virtually mirrored the Board's request (an increase of \$6,430 for COLA). Board staff will continue to closely monitor and participate in the budget process as the budget bills work their way toward floor debate.

PSTIF Bill – SB 856 and HB 2215

Neither bill has yet had a committee hearing. An update will be provided at meeting.

Action requested: Approval of a potential amendment to address DNR's funding for tanks-related work may be requested.

Other Bills of Interest:

Bills to limit or prescribe actions by state agencies:

- **Requires DNR to assist small business (25 or fewer FTEs) permit applicants with the permitting process.** HB1804 (Pietzman). 2/13 – House committee reported "Do Pass"
- **Prohibits the enforcement of any federal rule or regulation promulgated by the US EPA unless the rule or regulation is approved by the General Assembly.** HB1801 (Morris)
- **Requires an audit of all state agencies every 4 years.** HCS HB2126 (Riggs). 3/3 – Reported out of House committee "Do Pass."

Bills affecting state boards/commissions and/or their individual members:

- **Requires the Governor to maintain and regularly update a list of state boards, commissions, committees, councils, etc. that contain members appointed by the Governor.** HB1266 (Bangert).
- **Prohibits the Hazardous Waste Management Commission from promulgating rules stricter than or not addressed by the federal Resource Conservation and Recovery Act or the federal Comprehensive Environmental Response, Compensation, and Liability Act; makes any existing regs that are stricter null and void. Also repeals Commission's authority to retain, modify, or repeal certain rules.** SB892 (Burlison). 2/27 – *Referred to committee*

Bills related to liability, “tort reform,” arbitration, insurance companies, or the Sunshine Law:

- **Modifies provisions related to punitive damages including: punitive damages shall only be awarded if the plaintiff proves intent; punitive damages shall not be included in initial pleading and may only be filed with permission of the court no later than 120 days prior to final pretrial conference; and a few other provisions. Includes state sovereign immunity from punitive judgements.** SS SCS SB591 (White) 3/2 – *S Third Read & Passed; not yet referred in House*
- **Provides that an arbitration award or judgement shall not be binding on any liability insurer unless that insurer had agreed in writing to the arbitration proceeding. (NOTE: While the PSTIF Board is not an insurance company, the definition of “insurer” in these bills is broad and could be interpreted to include it.)** The language of the following 2 bills varies slightly but they are very similar: HCS HB2049 (Coleman). 3/5 – *H Third Read & Passed; not yet referred in Senate.* SCS SB726 (Luetkemeyer). 2/11 – *S committee voted “Do Pass”*
- **Requires product liability claims be made within 15 years of the sale or lease of the product, with exceptions.** HB1596 (Trent). 2/20 – *H Committee reported “Do Pass”* SB555 (Riddle). 2/11 – *S Committee reported “Do Pass;” currently awaiting Senate floor debate*
- **Amends the definition of “public record” to include social media pages, including personal pages of some employees. Expands requirements for preservation of communications.** HB1363 (Ellebracht)

- **Forbids any elected or appointed member of a public governmental body or any staff from using encryption software that automatically destructs messages sent.** HB2069 (Dogan). 2/13 – *Referred to committee*

Other bills of interest to PSTIF and/or our participants:

- **“Missouri-Made Fuels Act” – specifies that all diesel fuel offered for sale April – October in MO must contain at least 5% biodiesel by volume beginning in 2022, ramping up to 20% by 2024.**
HB1858 (Haffner). 3/10 – *Passed by House*
SCS SB568 (Hoskins). 3/10 – *Awaiting debate by full Senate*
- **Requires payment to contractor within 15 days of payment request with exceptions (including 3rd party claims).** HB1836 (Green)
- **Reclassifies stationary property used for transportation or storage of liquid and gaseous products (including petroleum) as depreciable tangible personal property.** SCS SB785 (Koenig). 3/3 – *S committee voted “Do Pass”*
- **Adds penalties for failing to mark underground facilities accurately or in a timely manner once being notified that excavation will take place.** HB1970 (Griesheimer)
- **Raises fuel taxes.** – Again this year there are many bills and joint resolutions in both chambers regarding increasing fuel taxes in one fashion or another.